

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE A. RODRIGUEZ,
Plaintiff,

No. C 12-02515 YGR (PR)

vs.

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

RANDY GROWNS, et al.,
Defendants.

Plaintiff, a state prisoner, filed this pro se civil rights action under 42 U.S.C. § 1983 in the United States District Court for the Eastern District of California. In an Order dated May 3, 2012, Magistrate Judge Gregory G. Hollows of the Eastern District ordered it transferred to this Court on venue grounds. On that same date, the Clerk of the Court in the Eastern District sent Plaintiff a copy of the May 3, 2012 Order by Magistrate Judge Hollows.

On May 9, 2012, Plaintiff's copy of the May 3, 2012 Order by Magistrate Judge Hollows was returned as undeliverable with a notation that Plaintiff had been "paroled."

Also on May 9, 2012, the instant case was received by this Court.

On May 16, 2012, the Clerk of the Court sent Plaintiff a notice that he had neither paid the filing fee nor submitted a completed application for leave to proceed in forma pauperis (IFP). The Clerk provided a copy of the prisoner's IFP application form, along with a return envelope, instructions, and a notification that the case would be dismissed if Plaintiff failed to pay the fee or file the completed IFP application within thirty days. On May 21, 2012, the Clerk sent Plaintiff another notice that this case had been transferred to this Court. Thereafter, both notices were returned as undeliverable, again with the notation that Plaintiff had been "paroled."

To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the

1 new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when:
2 (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable,
3 and (2) the Court fails to receive within sixty days of this return a written communication from the
4 *pro se* party indicating a current address. *See* L.R. 3-11(b).

5 More than sixty days have passed since Plaintiff's copy of the May 3, 2012 Order by Eastern
6 District Magistrate Judge Hollows was returned as undeliverable. The notations of that mailing and
7 all subsequent mailings have indicated that Plaintiff has since been paroled. The Court has not
8 received a notice from Plaintiff of a new address. Accordingly, the petition is DISMISSED without
9 prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk of the Court shall
10 enter judgment, terminate all pending motions, and close the file.

11 IT IS SO ORDERED.

12 DATED: July 16, 2012


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE